

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1) EPHRAIM H. LIRA,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 20-CV-00216-GKF-FHM
)	
1) WHATABURGER RESTAURANT,)	Attorneys' Lien Claimed
LLC, a limited liability company,)	Jury Trial Demanded
)	
Defendant.)	

COMPLAINT

COMES NOW Plaintiff and for his claim and cause of action against Defendant states and alleges:

1. Plaintiff, Ephraim H. Lira, is a resident of Tulsa County, Oklahoma.
2. Defendant, Whataburger Restaurant, LLC, is a limited liability company doing business in the State of Oklahoma.
3. Plaintiff invokes the jurisdiction of this court under 28 U.S.C. § 1331, in that this action arises under the Family and Medical Leave Act of 1993, as amended ("FMLA"), 29 USC §§ 2601 et seq., and regulations promulgated thereunder.
4. At all times material herein, Defendant has acted by and through its agents, servants and employees who were acting within the scope of their agency, service and employment.
5. At all times material herein, Defendant has been subject to the provisions of the FMLA and Plaintiff, in his employment with Defendant, was protected by same.
6. Plaintiff was an employee of Defendant until January 29, 2019, when he was terminated by Defendant in retaliation for exercising his rights under the FMLA

and in violation of FMLA protections, including time off, time to furnish medical information and otherwise.

7. As a result, Plaintiff has lost wages and benefits and been otherwise damaged.

WHEREFORE, premises considered, Plaintiff prays for judgment against Defendant in the sum of \$150,000, an equal amount in liquidated damages, interest, reinstatement to his job position, equitable relief, and such other and further relief to which Plaintiff is deemed entitled.

Respectfully submitted,

FRASIER, FRASIER & HICKMAN, LLP

By: /s/**Frank W Frasier**
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